

Town of Nolensville  
Board of Mayor and Aldermen Meeting  
Date: August 2, 2007, Time 7:00 p.m.  
Nolensville Elementary School

Mayor Beth Lothers opened the meeting at 7:05 p.m. Members present were Mayor Lothers, Aldermen Jimmy Alexander, Joe Curtsinger, and Tommy Dugger. Alderman Ken Thomas was absent. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Engineer Don Swartz, and Recorder Cindy Lancaster. There were 22 citizens present.

Prayer and pledge was led by Pastor Randall Jackson of Concord Baptist Church.

Citizens Input:

There were no citizen comments.

Alderman Dugger made a motion to approve the minutes of the regular meeting of June 28, 2007, Alderman Alexander seconded. Alderman Alexander noted that in the last paragraph, on page 5 it states plotted. This should read platted. Counsel Notestine stated that this could be corrected as a typographical error. The minutes were unanimously approved.

Mayor Lothers made a motion to approve the June Treasurer's Report, Alderman Dugger seconded. Alderman Curtsinger noted that under miscellaneous the line item is approximately \$15,000. He stated that he thought that was a large amount for miscellaneous. Alderman Dugger noted that this amount was for the entire year not a one-time or one month amount. Recorder Lancaster said that she would pull that information for the year and report to him. The Treasurer's Report passed unanimously.

COMMITTEE REPORTS:

Chair Rick Owens reported for the Planning Commission.

- Catalina Subdivision was approved
- Zoning amendment proposals were passed to forward to board
- Monthly Bond Reports were approved

There was no report for the Historic Commission.

Fire Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Written report was submitted to the Board
- Burn ban has assisted in number of calls being lower
- Walk through was performed in the new school with four or five corrections which have been completed
- Explorers group has 10 members
- New web-site for the Fire Department is [www.nolensvillefire.com](http://www.nolensvillefire.com)

Mayor Lothers inquired to the ban on burn permits noting that several citizens have asked when this may be lifted. Chief Hughes stated that although there have been a couple of rains, the ground remains very dry. He noted that burns in a pit with curtains around it are allowed.

Henry Laird reported for the Planning Department.

- Work has continued on zoning amendments
- Subdivision plat reviews are ongoing
- Met with project developers
- Met with County Community Housing Department

Police Chief Paul Rigsby reported for the Police Department.

- Written statistics for June and July were distributed
- Performed a walk-through of the new school
- Officers will be in a significant number of trainings this year
- Officer Lee is the new Detective effective July 1<sup>st</sup>
- Williamson County Fair is this week and Officer Buckley is over the security for this event

Alderman Curtsinger asked if the Department had a plan in regards to traffic control for the new school opening in addition to the Sunset Schools. Chief Rigsby said his Department will do the best it can with the number of officers that will be available. He noted that the county will be providing the crossing guard as normal. Alderman Curtsinger inquired to the location of the crossing guard. Chief Rigsby stated that he wasn't sure although felt it would be across from the entrance of the school. Mayor Lothers stated that she would be meeting with Principal, Beth Ferguson of Nolensville Elementary School and will obtain a map that she will distribute to the Police Department.

Mr. Bob Hayes reported for the Public Works Department.

- Continue to mow roads
- Continue to pick up trash and replace signs
- Noted that all equipment is operating properly

Mayor Lothers reported for the Town Events Committee

The Mayor thanked this committee for all of their hard work. They have met and evaluated improvements for next year. They are reviewing a Veteran's Day Parade for Nolensville.

Alderman Dugger said that he concurred with the Mayor in the excellent job this committee did for the fourth Celebration. He noted that he has received numerous compliments on this event.

Mayor's Report:

- a. Rocky Fork Realignment update

Mayor Lothers noted that the bid resolution is on the agenda before the board tonight. She stated that the securing of right of ways, and permit deadlines has been accomplished.

Mayor Lothers stated that she is currently writing a proposal and will meet with the County officials in regards to the entrances of the park on Rocky Fork Road.

b. Surplus Property

Mayor Lothers noted that this board must approve any surplus property of the town's, prior to allowing it to be sold. She stated that Chief Rigsby has been working on this and turned it over to him.

Chief Rigsby reiterated that this board must give its approval for disposal of surplus property. He noted it could be done by seal bid, hire an independent auction company or through an internet website gov dot deal. He submitted to the board a written list of the surplus property and requested that the board allow the town to place these items on the website. He further noted that the proceeds from the sold items will go back into general fund.

Alderman Alexander made a motion to approve this list as surplus and dispose of this property through the website. Mayor Lothers seconded and this was approved unanimously.

c. National Flood Insurance Workshop

Mayor Lothers noted that the town has completed all the steps for the application process in regards to the National Flood Insurance Program. She stated that FEMA will hold a workshop to further educate the town on this issue. She noted that the workshop will be held at 6:30 on August 14, prior to the Planning Commission meeting. She invited the board and public to attend.

d. Other

Mayor Lothers noted that Mr. Ron Darden with MTAS is currently working on a personnel manual for the board to review. Mr. Ralph Cross with MTAS has been meeting to update a Capital Improvements Plan.

Mayor Lothers noted that some citizens have inquired on how to get involved. She stated that there are vacancies on the Review Board. This candidate should have construction experience. The Storm Water Committee, Town Events Committee, in addition to an Economic Development Committee is being initiated. She noted that she has asked Alderman Alexander to be a part of the Economic Development Committee.

Mayor Lothers stated that Williamson County has requested that the town enter into an interlocal agreement. The county recently passed an adequate facilities tax to be implemented on July 1<sup>st</sup>. Nolensville will receive 30% of each dollar collected that could be spent on infrastructure of new schools. She stated that she has inquired about the light at

Rocky Fork Road and was told that this money could be utilized for this expenditure due to the cost being directed at the new school.

Alderman Curtsinger asked if this money would be generated from the permits that were within the Town of Nolensville only. Mayor Lothers noted that it is unclear how all of this would work, although Mayor Anderson will be in attendance at the next board meeting to answer these questions. She stated that due to the opening of the County Fair this week, he was unable to attend. The board agreed to move forward on this interlocal agreement.

Mayor Lothers asked if there was any objection to changing the order of business to have the reading of Resolution #07-09, number 13 on the Agenda, moved so that discussion could begin on this item. She further asked that there be a 10 minute recess for the board to review the bids. The board was in agreement of this change.

The board recessed for the review at 7:40 p.m. and reconvened at 7:50 p.m.

Reading of Resolution #07-09 a resolution to accept a bid for the Rocky Fork Road realignment.

Alderman Dugger noted that the board has not had enough time to go through the guts of each bid. He asked Mr. Bobby Garland, with Florence and Hutcheson, if the products in the bid are of all equal quality. Mr. Garland said that all specifications in the bid are equal. Mayor Lothers asked Mr. Garland to explain how these contractors are pre-qualified with TDOT. Mr. Garland said that numerous forms are completed by the company and submitted to TDOT. TDOT reviews the companies and sets certain criteria that each company must comply. Alderman Alexander stated that all of these bidders will do the same job. Mr. Garland noted that these companies meet all of the same specifications. Alderman Dugger asked if we have received the letters of credit or a bid bond. Mr. Garland stated that we have a bid bond. Alderman Curtsinger asked how each of these differs. Mr. Garland stated that the only difference is the bid price that was submitted by the contractor. He then went into the tabulations from each company. Alderman Curtsinger inquired about the completion date. Mr. Garland said November 30<sup>th</sup> was the completion date. Alderman Dugger asked if there was any penalty if not completed by that date. Mr. Garland said there is a liquidated dollar amount that will be assessed to the contractor if the deadline is not met. There was extensive discussion in regards to the timeframe of the project completion date and the importance of this being fulfilled. Alderman Dugger asked for clarification noting that Construction Company "x" may do all the work themselves, but company "y" may subcontract it out, which may hinder a completion date. Mr. Garland said that Mountain State was a subsidiary of Jones Brothers. Mr. Kevin Henson, Vice-President of Mountain States, introduced himself and noted that there is a relation with Jones Brothers and Mountain States. He stated that the owners of each company are brothers. He said that Mountain has good control and wants to do this project for the town. He reiterated that the only connection is that the two owners are brothers. Mayor Lothers noted that she asked staff to do some research. Mr. Don Swartz, Town Engineer, said that he contacted the contractors in addition to references. He stated that he had only received three phone calls back. He noted that Nashville who had worked with Civil Contractors had done a great job. He noted that TDOT has worked with Mountain States and commended them. He also spoke to Mr. Rigsby, who is with Brentwood and praised Civil Contractors. Mr. Swartz noted that he has no personal experience with any of the contractors.

Mr. Wayne Evans with Civil Constructors noted that he is a local company in Franklin and have been doing this for a long time. He noted that they do most of the work themselves, with the exception of the bridge. He noted that they have state projects all throughout Tennessee. Alderman Dugger asked about the time line Nolensville has imposed. Mr. Evans stated that “it is pretty tight.”

Mr. Henson said he agreed that it is a tight schedule, but feels that his company can do this. He noted that the headquarters is located in North Carolina, although they are in Mt. Juliet, Tennessee. Alderman Curtsinger asked if they performed their own bridge work. Mr. Henson stated that they did.

Mr. Evans said that Brown Company does their bridge work. Alderman Curtsinger asked who would have done Brown’s road work. Mr. Evans stated that they gave prices for the road work to both Brown and Bell (two other companies that submitted bids).

Mr. Henson said they would sub out the asphalt work. Mayor Lothers noted that Nolensville is a very small town and must make sure they select a good company that is responsive. Mr. Garland said that previously he worked at TDOT. In working for the State he has worked with both of these companies and they are both capable. He further stated that he was aware that the town’s concern is the timeline. He stated that once the contract is entered into, there is a limited amount the town can do to fulfill the timeline. Mr. Garland said the town can call the bond, but will have to go through the surety bond company and this is a fairly long process. He said that he did not know how to advise the board other than to weigh out what they are telling you and make your decision. Alderman Curtsinger asked what role Florence and Hutcheson played. Mr. Garland said that they will be watching the contractor and if they are not performing this will be reported to the town.

Alderman Alexander asked if their companies had any bonds pulled previously. Both said they had not. Mayor Lothers asked each how quickly they could move on this project once approved. Both said immediately. Mr. Garland stated that once the contract is signed, a pre-construction meeting would be held and they would move forward. Mayor Lothers stated that a meeting has been set for 10:00 a.m. Monday morning. She noted that she has heard positive reviews on Civil from staff.

Alderman Curtsinger stated that his personal feeling is that this is a huge project and doesn’t know that it is good that the board hasn’t had time to review the documents. He said that if Florence and Hutcheson is overseeing this and all things are equal, the lower bid should be accepted. Mayor Lothers noted that these bids were not opened until Monday. She stated that this is the town’s second bid process. She further said that with all the work these contractors have put into this process she wished she could award it to all of them. Alderman Dugger said he agreed with the Mayor and if he did read the book he doesn’t know if he would understand. He noted that he has heard good things about Civil, although he has not heard anything about Mountain States. Mayor Lothers stated that her concern was with the transition of recent relocation of Mountain States. Mr. Henson said that he would be greatly disappointed if he did not get this project with being the low bidder. He further stated that he feels that he could find as many good references as Civil.

Mr. Harold Shaffer from the audience asked where is the Mountain States equipment location. Mr. Henson stated that Jones Brothers equipment is used. Mr. Aubrey Short stated that he thought the lowest bidder would be accepted.

Mr. Larry Gardner asked if the bids could be read aloud. Mayor read each bid:

Bell	1,751,083.95
Brown	1,493,600.00
Civil	1,460,302.54
Mountain	1,431,900.00

Alderman Dugger noted that Florence and Hutcheson had stated that they would let the town know if the contractor was not performing, but it is up to the town to enforce the contract. Mr. Garland said the bonding contract has a lot at stake also. Alderman Alexander said in his opinion it is a selection from the two companies which are here. Mayor Lothers agreed, and noted that deadlines are very important. She noted that although she likes Mountains numbers, she has concern of the time line. Mayor Lothers asked if Mountain States had any projects that deadlines had not been met. He said only one project was not completed on time. It was an act of God and was an issue with water.

Mr. Garland stated that he wanted to clarify that he worked for the State of Tennessee (TDOT) and has worked with both of these companies. He is unaware of completion dates being an issue with them, although Jones Brothers had projects that were not completed on time.

Alderman Curtsinger made a motion to accept Mountain State bid, Alderman Dugger seconded. Alderman Alexander commented that the town will be receiving the same product through all of the bidders. Alderman Dugger noted that he has heard a lot of good things about Civil, but has not heard any thing about Mountain, although he has heard of Jones Brothers. He noted that the town will certainly hold them to their time line. The vote was taken and this was approved unanimously. Mayor Lothers noted that the contract will be executed on Monday at 10:00 a.m.

Public hearing for ordinance #07-07, an ordinance to amend zoning ordinance 04-09, in regards to Village area lot standards opened at 8:30.

Mr. Laird went over this ordinance extensively. He noted this is the recommendation that has come from the Planning Commission.

There was no public comment and the public hearing closed at 8:34.

Public hearing on ordinance #07-13 an ordinance to amend the Zoning Ordinance 04-09, in regards to permitted structures within setbacks opened at 8:34.

Mr. Laird noted this ordinance is to make some clarification in regards to building within the building envelope.

Mr. Larry Gardner, 2536 York Road, asked what size of structures would be permitted. Mr. Laird stated that it would depend on what is being constructed. He read the ordinance noting several items such as air conditioning units, chimneys, open terraces, and uncovered decks. He stated that it varies with the type of structure. Mr. Gardner asked how close a deck could get to the property line. Mr. Laird stated that currently it could be built 10' from property line in PUD's; this would change to 5' to the property line. Mr. Gardner asked if this would be allowed for all PUD's. Mr. Laird stated yes. Mr. Gardner then inquired about Nolen Park. He noted that Bent Creek is the only subdivision that this would effect. He stated that all PUD's are 11,000 square feet except Bent Creek. Mr. Laird stated that this has been reviewed different ways and every way that it was reviewed had an issue. Alderman Curtsinger asked for the difference between a gazebo and an attached deck. Mayor Lothers stated that this is a question for the Building Official. She stated that this is a public hearing and these questions can be answered prior to the next meeting.

Frank Wilson, 7345 Nolensville Road, said that he thought with a deck it couldn't encroach on the back property line. He thought that was in the final draft from the Planning Commission. Mr. Laird stated that this document is what came from the Planning Commission with a couple of changes.

Mayor Lothers noted that there have been good points made and this will be reviewed before next month. The public hearing closed at 8:45 p.m.

Second reading of ordinance 07-09, an ordinance to amend the Zoning Ordinance 04-09 in regards to landscaping, lighting, and parking areas.

Mr. Laird distributed revisions for ordinance 07-09. He noted that these were changes that have been made since the public hearing. He noted this gives the Planning Commission more flexibility in regards to landscaping, lighting, and parking areas. He further noted that the Planning Commission has agreed with this ordinance.

Mayor Lothers made a motion to approve this ordinance with the amendments that Mr. Laird distributed. Alderman Dugger seconded. Alderman Dugger noted that he shares the concerns that Alderman Alexander has had in the past. Alderman Alexander stated that he appreciates what Mr. Laird is trying to accomplish. Although, he still has a problem with the Planning Commission or anyone having the authority to approve any plan that deviates from the Zoning Ordinance. He stated that no one should have that authority. He said that he does not feel that this is legal. Counsel Notestine noted that he has researched this and has found that other cities do not give the Planning Commission authority to change the Zoning Ordinance. Counsel Notestine stated that there are a couple of cities that allow the Planning Commission to make additional requirements for a plan.

Mayor Lothers noted that her concern was for an older business that must come up with a plan, or a small business downtown. She said that this may be a burden to these establishments. Mayor Lothers stated that this ordinance is good for new businesses coming into the area. It will allow staff more flexibility. Mr. Laird stated that this allows for a problem getting resolved quicker. He stated that currently they would go to Planning Commission and then approximately five weeks later they would go before the Board of Zoning Appeals. He noted that some of these

decisions are judgment calls. He further stated that whatever this board feels comfortable with staff would comply.

Alderman Dugger noted that paving was mentioned. He stated that the Planning Commission could make a parking lot be paved or graveled. He stated that if this is the way the board wishes, isn't there some way that it can be re-worded so that it would work.

Counsel Notestine stated that this board could give the flexibility to staff. Alderman Alexander stated that the wording could be changed so that it could become a part of the zoning ordinance, but not give the Planning Commission the authority.

Matt Happel, Sam Donald road, stated that he thought maybe we are looking for any thing that is an existing structure or adjacent to an existing structure.

After discussion Mayor Lothers withdrew her motion to approve, Alderman Dugger withdrew his second. This withdrawal was unanimously approved.

Alderman Curtsinger noted that maybe this should be started over. He noted that there is no reason to carry it forward like this. Alderman Dugger agreed noting that he felt it is going to be significant changes.

Alderman Dugger noted that any tweaking to it would make significant changes. Mr. Laird has worked hard on this ordinance. Alderman Alexander commended Mr. Laird on what he is trying to accomplish, but he could not vote for this ordinance as it is.

Second reading of ordinance 07-10, an ordinance to amend the Zoning Ordinance 04-09, in regards to the Historic District overlay

Mr. Laird did a brief synopsis noting the areas of discussion with a power point presentation. Alderman Dugger made a motion to approve this ordinance, Alderman Alexander seconded.

Mr. James McCanless, 7371 Nolensville Road, stated that on the north end of the Historic District if one or more opted out of the overlay, they can. He felt that this should be offered to everyone.

Mr. Laird noted the procedure is that it must go before the Historic Commission. This Commission makes the recommendation and then it must go before the Planning Commission for their recommendation. He noted that to pull them out one by one would be unreasonable. Mr. Laird noted that it is a combination of things not just one reason.

Alderman Curtsinger asked for the reasoning for the Planning Commission to withdraw. Mr. Laird stated that it was more appropriate for older structures. He further noted there have been misunderstandings on the actual area. He noted that they would continue to be in the Village. Mayor Lothers noted that they would still have the same base zoning. Mayor Lothers said that she thought this was the original founder's intent. Mr. Frank Wilson noted that the Historic Commission made this request.



Mrs. Joyce Allemore asked how far the District went. It was noted that it was to Tant's Plants. Mr. Larry Gardner stated that at one time that was suppose to be the Village Fringe. Alderman Dugger stated that he thinks there is a process that Mr. McCanless may go through to have it removed. Mr. McCanless said he just wanted it known that the town did not give people the opportunity to have it removed. Alderman Dugger stated that he felt it was a two step process.

The vote was taken and Ordinance #07-10 was approved unanimously.

First reading of ordinance #07-14 an ordinance to amend Zoning Ordinance 04-09, in regards to signs.

Mr. Laird noted that this is two-fold. He stated that there have been other cities challenged in court on sign issues. This ordinance is an attempt to improve legally. Mr. Laird added that this ordinance is also an attempt to compliment design standards, traffic, esthetics and maintain a neutral approach.

Mayor Lothers acknowledged the Franklin Planning Department for their assistance in this ordinance.

Alderman Dugger thanked Mr. Laird for doing such a good job of making a difference in the "old" and "new" ordinance wording. Mr. Matt Happel demonstrated various signs through a power point presentation.

Mayor Lothers asked for any citizen comment. There were none.

Alderman Alexander made a motion to approve this ordinance and also noted that the Planning Commission approved this ordinance. Alderman Dugger seconded. Alderman Dugger noted that on page 5 it states that "sign as painted on the façade of a building." He asked if roofs could be added. Mr. Laird stated that it could be added.

Alderman Dugger asked if signs on an awning were allowed in the Historic District. Mr. Laird noted that it is addressed in Appendix C. He further noted that he will review to see if it is addressed in the current zoning ordinance.

Alderman Curtsinger asked how this would affect murals. Mr. Laird stated that was a good question and did not believe that has ever come up. Alderman Dugger stated that an example would be on Westend with a mural of coaches. Counsel Notestine stated there are some wall sign limitations. Alderman Curtsinger asked again if a mural could be painted on a building. Mr. Laird stated there are some things that are allowed, but this will be reviewed.

Mayor Lothers asked if there was anything that covers drawings on a glass window. Mr. Laird stated that it would need to be determined if it is art or a sign. Alderman Dugger noted that Piggly Wiggly had signs on the windows and were changed weekly. He noted that this was tastefully done. Mr. Laird stated that this is addressed in section 3., subsection 1.5.1. (0).

Reverend Bennett interjected that Jay Nelson had done a wonderful job and Waller Funeral Home has done a great job.

Alderman Curtsinger asked how will this effect existing signs. Mr. Laird stated they will be held to the same standard. He noted that a new sign must comply with the new standards.

Alderman Dugger noted that an example would be if someone moved from the shopping center, and they did not change the structure, all they have to do is change the facing. Counsel Notestine said if it is the same building, there is a law on the books that addresses signs. He stated that it would be a non-conforming use. He stated that he would look into this, although he did not think it should stop this ordinance from moving forward. He felt it could be passed on first reading.

Alderman Dugger asked for clarification on page 8 section (e) and (f). He asked if that was referring to new construction. He noted this is a very important ordinance and although we want to be user friendly, we should review this extensively.

Alderman Dugger noted that he thinks we have some businesses where a sign may be needed on the side of a building. Mr. Laird said that he thinks Alderman Dugger is talking about two different areas. He noted that an example would be Brick Stone Café. He noted that they would have to change their sign facing Nolensville road. He noted the new retail center just north of town (known as Yazdian) tenants are in the backside of the building and they may want a sign in front.

Alderman Curtsinger asked if a 9" sign could be readable when you are coming down the road. Mr. Laird stated that would depend on how fast you are going. Alderman Curtsinger asked if there was an example of 9". Mr. Happel showed a 9" sign on the power point. Mr. Happel volunteered to measure more signs, noting he has measured numerous ones to date.

Alderman Dugger made a motion to amend by deleting "mounted" in Section 3, Subsection 1.5.1 (I); this was seconded by Alderman Curtsinger. This was approved unanimously. The vote was taken on the ordinance as amended and passed unanimously.

Other:

Alderman Curtsinger asked what the status was on Waller Road. He asked if it had been widen as agreed. He asked if they had done all the things that had been agreed upon. He noted that there were no shoulder lines on the road. Mayor Lothers noted that she wasn't sure if this was complete and would check into this.

Mayor Lothers noted that the new school is opening and she hopes everyone gets a chance to go over to see this facility.

The meeting adjourned at 9:50 p.m. by acclamation.

Respectfully submitted,

Approved,

Cindy Lancaster  
Town Recorder

Beth Lothers  
Mayor